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| APPLICATION NO. | FILING DATE | FIRST NAMED INVENTOR | ATTORNEY DOCKET NO. | CONFIRMATION NO. |
|-----------------|-------------|----------------------|---------------------|------------------|
| 09/975,827      | 10/11/2001  | Mitsuyuki Hatanaka   | 450100-03538        | 2274             |
| 20999           | 7590        | 12/30/2004           |                     | EXAMINER         |
|                 |             |                      |                     | GYORFI, THOMAS A |
|                 |             |                      | ART UNIT            | PAPER NUMBER     |
|                 |             |                      | 2135                |                  |

DATE MAILED: 12/30/2004

Please find below and/or attached an Office communication concerning this application or proceeding.

| <b>Office Action Summary</b> | Application N .<br>09/975,827 | Applicant(s)<br>HATANAKA ET AL. |
|------------------------------|-------------------------------|---------------------------------|
|                              | Examiner                      | Art Unit                        |
|                              | Tom Gyorfi                    | 2135                            |

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

**Period for Reply**

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If the period for reply specified above is less than thirty (30) days, a reply within the statutory minimum of thirty (30) days will be considered timely.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

## Status

1)  Responsive to communication(s) filed on 26 July 2004.

2a)  This action is **FINAL**.                            2b)  This action is non-final.

3)  Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

## **Disposition of Claims**

4)  Claim(s) 1-4 is/are pending in the application.  
4a) Of the above claim(s) \_\_\_\_\_ is/are withdrawn from consideration.

5)  Claim(s) \_\_\_\_\_ is/are allowed.

6)  Claim(s) 1-4 is/are rejected.

7)  Claim(s) \_\_\_\_\_ is/are objected to.

8)  Claim(s) \_\_\_\_\_ are subject to restriction and/or election requirement.

## Application Papers

9)  The specification is objected to by the Examiner.

10)  The drawing(s) filed on \_\_\_\_\_ is/are: a)  accepted or b)  objected to by the Examiner.

    Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).

    Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).

11)  The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

**Priority under 35 U.S.C. § 119**

12)  Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).  
a)  All    b)  Some \* c)  None of:  
1.  Certified copies of the priority documents have been received.  
2.  Certified copies of the priority documents have been received in Application No. \_\_\_\_\_.  
3.  Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

\* See the attached detailed Office action for a list of the certified copies not received.

**Attachment(s)**

1)  Notice of References Cited (PTO-892)  
2)  Notice of Draftsperson's Patent Drawing Review (PTO-948)  
3)  Information Disclosure Statement(s) (PTO-1449 or PTO/SB/08)  
Paper No(s)/Mail Date .

4)  Interview Summary (PTO-413)  
Paper No(s)/Mail Date. \_\_\_\_ .

5)  Notice of Informal Patent Application (PTO-152)

6)  Other: \_\_\_\_\_.

### **DETAILED ACTION**

1. Claims 1-4 were pending. The communication filed 7/26/04 amended claims 1, 3, and 4. No new claims were added, and no claims were canceled. Claims 1-4 remain for examination.

#### ***Response to Arguments***

2. Applicant's arguments, see Paper No. 6, filed 7/26/04, with respect to the rejection of claims 1-4 under 35 USC 102(e) in view of Kori have been fully considered and are persuasive. The rejections of claims 1-4 based on Kori have been withdrawn.

3. Applicant's arguments, see Paper No. 6, filed 7/26/04, with respect to the rejection of claims 1-4 under 35 USC 103(a) in view of Ichimura and further in view of Tagawa, have been fully considered but they are not persuasive. Tagawa discloses means for providing information indicative of an unrecorded track or tracks of the recording medium if said unrecorded track or tracks exist (col. 10, lines 25-50), and display means for displaying the information indicative of the unrecorded track or tracks when obtained from the providing means (col. 10, lines 20-25 and Figure 7).

#### ***Claim Rejections - 35 USC § 103***

4. The text of those sections of Title 35, U.S. Code not included in this action can be found in a prior Office action.

5. Claims 1-4 are rejected under 35 U.S.C. 103(a) as being unpatentable over Ichimura et al. (U.S. Patent 6,034,832) and further in view of Tagawa et al. (U.S. Patent 6,615,192).

Referring to Claims 1, 3 and 4:

Ichimura discloses an information processing apparatus having functions for recording contents recorded on a first recording medium onto a second recording medium, said apparatus comprising: recording means for recording said contents recorded on said first recording medium onto said second recording medium (col 2, lines 5-20);

recording history information storing means for storing information regarding said contents as recording history information at the time of said contents recorded on said first recording medium being recorded onto said second recording medium by said recording means (col. 2, lines 15-30; col. 11, lines 5-10; col. 13, lines 20-35); and

display means for searching for information regarding said contents stored as recording history information by said recording history information storing means at the time of said contents recorded on said first recording medium being recorded onto said second recording medium again by said recording means (col. 22, lines 45-60).

Ichimura does not explicitly disclose “displaying said information”, “means for providing information indicative of an unrecorded track or tracks of the recording medium if said unrecorded track or tracks exist”, and “display means for displaying the

information indicative of the unrecorded track or tracks when obtained from the providing means."

Tagawa discloses displaying said information (Fig 9; col. 10, lines 50-65; col. 13, lines 10-25), means for providing information indicative of an unrecorded track or tracks of the recording medium if said unrecorded track or tracks exist (col. 10, lines 25-50), and display means for displaying the information indicative of the unrecorded track or tracks when obtained from the providing means (col. 10, lines 20-25 and Figure 7).

At the time the invention was made, it would have been obvious to a person of ordinary skill in the art to modify the teachings of Ichimura such that the searched history information corresponding to a file being recorded again, as well as information of tracks that have yet to be recorded/copied, are displayed. One of ordinary skill in the art would have been motivated to do this because it would allow the user to easily determine how many authorized copies were made (Fig 9).

Referring to Claim 2.

Ichimura and Tagawa disclose the limitations of Claim 1 above. Ichimura further discloses said recording history information contains audio recording history information which records the number of times that audio recording has been made for each track of said first recording medium, title saving information of said contents, and play list information (col. 5, line 60-col 6, line 15; col. 8, lines 25-50).

***Conclusion***

6. **THIS ACTION IS MADE FINAL.** Applicant is reminded of the extension of time policy as set forth in 37 CFR 1.136(a).

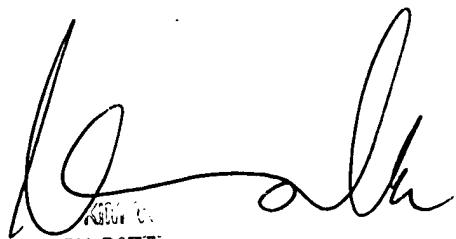
A shortened statutory period for reply to this final action is set to expire THREE MONTHS from the mailing date of this action. In the event a first reply is filed within TWO MONTHS of the mailing date of this final action and the advisory action is not mailed until after the end of the THREE-MONTH shortened statutory period, then the shortened statutory period will expire on the date the advisory action is mailed, and any extension fee pursuant to 37 CFR 1.136(a) will be calculated from the mailing date of the advisory action. In no event, however, will the statutory period for reply expire later than SIX MONTHS from the mailing date of this final action.

Any inquiry concerning this communication or earlier communications from the examiner should be directed to Tom Gyorfi whose telephone number is (571) 272-3849. The examiner can normally be reached on 8:00am - 4:30pm Monday - Friday.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Kim Vu can be reached on (571) 272-3859. The fax phone number for the organization where this application or proceeding is assigned is 703-872-9306.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free).

TAG – 12/16/04



Supervisory Patent Examiner  
Technology Center